

Calendar No. 658

105TH CONGRESS
2D SESSION**H. R. 700****[Report No. 105-349]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 1997

Received; read twice and referred to the Committee on Indian Affairs

SEPTEMBER 28, 1998

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REMOVAL OF RESTRICTION ON DISTRIBUTION**
4 **OF CERTAIN REVENUES.**

5 (a) ~~IN GENERAL.~~—The fourth undesignated para-
6 graph in section 3(b) of the Act entitled “An Act to pro-
7 vide for the equalization of allotments on the Agua

1 Caliente (Palm Springs) Reservation in California, and for
 2 other purposes” approved September 21, 1959 (25 U.S.C.
 3 951 et seq.); is amended by striking “*east. Provided,*” and
 4 all that follows through “*deceased member.*” and inserting
 5 “*east.*”.

6 (b) ~~EFFECTIVE DATE AND AGREEMENT TO MAKE~~
 7 ~~PAYMENT.~~—The amendment made by subsection (a) shall
 8 apply with respect to net rents, profits, and other revenues
 9 that accrue on or after the date of distribution of the pay-
 10 ment, as provided in Tribal Ordinance 22 dated August
 11 6, 1996, to those persons referenced in Exhibit B of Tribal
 12 Ordinance 22.

13 **SECTION 1. FINDINGS.**

14 *Congress finds that—*

15 *(1) among its purposes, the Act entitled “An Act*
 16 *to provide for the equalization of allotments on the*
 17 *Agua Caliente (Palm Springs) Reservation in Cali-*
 18 *fornia, and for other purposes”, approved September*
 19 *21, 1959, commonly known as the “Agua Caliente*
 20 *Equalization Act of 1959” (25 U.S.C. 951 et seq.) (re-*
 21 *ferred to in this section as the “Act”) was intended*
 22 *to provide for a reasonable degree of equalization of*
 23 *the value of allotments made to members of the Agua*
 24 *Caliente Band of Cahuilla Indians;*

1 (2) *the Act was enacted in response to litigation*
2 *in Federal courts in Segundo, et al. v. United States,*
3 *123 F. Supp. 554 (1954);*

4 (3) *the case referred to in paragraph (2) was ap-*
5 *pealed under the case name United States v. Pierce,*
6 *235 F. 2d 885 (1956) and that case affirmed the enti-*
7 *tlement of certain members of the Band to allotments*
8 *of approximately equal value to lands allotted to other*
9 *members of the Band;*

10 (4)(A) *to achieve the equalization referred to in*
11 *paragraph (3), section 3 of the Act (25 U.S.C. 953)*
12 *provided for the allotment or sale of all remaining*
13 *tribal lands, with the exception of several specifically*
14 *designated parcels, including 2 parcels in the Mineral*
15 *Springs area known as parcel A and parcel B;*

16 (B) *section 3 of the Act restricted the distribu-*
17 *tion of any net rents, profits, or other revenues de-*
18 *rived from parcel B to members of the Band and their*
19 *heirs entitled to equalization of the value of the allot-*
20 *ments of those members;*

21 (C) *from 1959 through 1984, each annual budget*
22 *of the Band, as approved by the Bureau of Indian Af-*
23 *airs, provided for expenditure of all revenues derived*
24 *from both parcel A and parcel B solely for tribal gov-*
25 *ernmental purposes; and*

1 (D) as a result of the annual budgets referred to
2 in subparagraph (C), no net revenues from parcel B
3 were available for distribution to tribal members enti-
4 tled to equalization under section 3 of the Act referred
5 to in paragraph (1);

6 (5) by letter of December 6, 1961, the Director of
7 the Sacramento Area Office of the Bureau of Indian
8 Affairs informed the regional solicitor of the Bureau
9 of Indian Affairs that the equalization of allotments
10 on the Agua Caliente Reservation with respect to
11 those members of the Band who were eligible for
12 equalization had been completed using all available
13 excess tribal land in a manner consistent with—

14 (A) the decree of the court in the case re-
15 ferred to in paragraph (2); and

16 (B) the Act;

17 (6) in 1968, the files of the Department of the
18 Interior with respect to the case referred to in para-
19 graph (3), the closure of which was contingent upon
20 completion of the equalization program, were retired
21 to the Federal Record Center, where they were subse-
22 quently destroyed;

23 (7) on March 16, 1983, the Secretary of the Inte-
24 rior published notice in the Federal Register that full

1 *equalization had been achieved within the meaning of*
2 *section 7 of the Act (25 U.S.C. 957);*

3 *(8) section 7 of the Act states that “allotments in*
4 *accordance with the provisions of this Act shall be*
5 *deemed complete and full equalization of allotments*
6 *on the Agua Caliente Reservation”; and*

7 *(9) the regulations governing the equalization of*
8 *allotments under the Act referred to in paragraph (1)*
9 *were rescinded by the Secretary, effective March 31,*
10 *1983.*

11 **SEC. 2. DEFINITIONS.**

12 *In this Act:*

13 *(1) BAND.—The term “Band” means the Agua*
14 *Caliente Band.*

15 *(2) PARCEL B.—The term “parcel B” means the*
16 *parcel of land in the Mineral Springs area referred*
17 *to as “parcel B” in section 3(b) of the Act entitled*
18 *“An Act to provide for the equalization of allotments*
19 *on the Agua Caliente (Palm Springs) Reservation in*
20 *California, and for other purposes”, approved Sep-*
21 *tember 21, 1959, commonly known as the “Agua*
22 *Caliente Equalization Act of 1959” (25 U.S.C.*
23 *953(b)).*

24 *(3) SECRETARY.—The term “Secretary” means*
25 *the Secretary of the Interior.*

1 **SEC. 3. EQUALIZATION OF ALLOTMENTS.**

2 (a) *IN GENERAL.*—*The full equalization of allotments*
3 *within the meaning of section 7 of the Act entitled “An Act*
4 *to provide for the equalization of allotments on the Agua*
5 *Caliente (Palm Springs) Reservation in California, and for*
6 *other purposes”, approved September 21, 1959, commonly*
7 *known as the “Agua Caliente Equalization Act of 1959”*
8 *(25 U.S.C. 957) is deemed to have been completed.*

9 (b) *EXPIRATION OF ENTITLEMENT.*—*By reason of the*
10 *achievement of the full equalization of allotments described*
11 *in subsection (a), the entitlement of holders of equalized al-*
12 *lotments to distribution of net revenues from parcel B under*
13 *section 3(b) of the Act entitled “An Act to provide for the*
14 *equalization of allotments on the Agua Caliente (Palm*
15 *Springs) Reservation in California, and for other pur-*
16 *poses”, approved September 21, 1959, commonly known as*
17 *the “Agua Caliente Equalization Act of 1959” (25 U.S.C.*
18 *953(b)) shall be deemed to have expired.*

19 **SEC. 4. REMOVAL OF RESTRICTION.**

20 (a) *IN GENERAL.*—*The fourth undesignated paragraph*
21 *in section 3(b) of the Act entitled “An Act to provide for*
22 *the equalization of allotments on the Agua Caliente (Palm*
23 *Springs) Reservation in California, and for other pur-*
24 *poses”, approved September 21, 1959, commonly known as*
25 *the “Agua Caliente Equalization Act of 1959” (25 U.S.C.*
26 *953(b)), is amended by striking “east: Provided,” and all*

1 *that follows through the end of the paragraph and inserting*
2 *“east.”.*

3 (b) *APPLICABILITY.—The amendment made by sub-*
4 *section (a) shall apply as if this section had been enacted*
5 *on March 31, 1983.*

6 (c) *SUBSEQUENT DISTRIBUTIONS.—Any per capita*
7 *distribution of tribal revenues of the Band made after the*
8 *date of enactment of this Act shall be made to all members*
9 *of the Band in equal amounts.*

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